

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-18819 - APPLICANT/OWNER: CRAIG TENAYA, LLC**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-2/se, sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-18822) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

3. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer. We note that this site is within a FEMA "AE" Flood Zone.

## \*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

This is a request for a Rezoning from O (Office) to R-4 (High Density Residential) on 7.49 acres adjacent to the east side of Tenaya Way approximately 970 feet south of Craig Road.

### BACKGROUND INFORMATION

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |  |
|---|--|
| 09/05/90  | The City Council denied a request for a reclassification of property (Z-0080-90) from N-U (Non-Urban) to C-1 (Limited Commercial) that included a shopping center, convenience store with gasoline sales, a four to six story office building, three off-premise billboard signs, an automobile service facility, restaurant with a beer/wine/cooler on-sale use, and retail stores with beer/wine/cooler off-sale uses. The Planning Commission recommended denial. Staff recommended approval. |
| 11/06/96  | The applicant withdrew without prejudice a request for a reclassification of property (Z-0094-96) from N-U (Non-Urban) to C-2 (General Commercial) for a 105,744 square-foot retail warehouse. The Planning Commission and staff recommended approval.   |
| 01/08/98  | The applicant withdrew without prejudice a request for a Rezoning (Z-0081-97) from U (Undeveloped) [SC (Service Commercial) land use designation] to C-1 (Limited Commercial) for a 130,858 square-foot retail store. Staff recommended that the item be held in abeyance.   |
| 01/19/00  | The City Council approved a Rezoning (Z-0071-99) of this site to O (Office), as part of a larger overall request which included the rezoning of the property to the north to C-1 (Limited Commercial). Staff recommended approval, and the Planning Commission believed the request to be premature and recommended denial.  |
| 01/25/07  | <p>The Planning Commission recommended approval of companion items GPA-18818, VAR-18820, SUP-18821 and SDR-18822 concurrently with this application.</p> <p>The Planning Commission voted 5-2/se, sd to recommend APPROVAL (PC Agenda Item #40/ar).</p>  |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |  |
| There are no permits or licenses related to this application.             |  |
| <b><i>Pre-Application Meeting</i></b>                                     |  |
| 12/14/06  | A pre-application meeting was held. The requirements of a Rezoning were explained.   |

| <b><i>Neighborhood Meeting</i></b> |   |
|------------------------------------|---|
| 01/03/07                           | <p>A neighborhood meeting was held at Timbers Bar &amp; Grill, 7081 West Craig Road at 6:15 P.M. Six members of the public attended and had the following concerns and comments:</p> <p>Five story condos too dense for area<br/>Concerns about impact to schools<br/>Support for two story office or commercial at site<br/>Concerns about fire<br/>Concerns about size and scope of project so close to single family homes<br/>Concerns that the applicant did not properly notify the neighborhood meeting.</p> |

| <b><i>Details of Application Request</i></b> |      |
|--|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 7.49 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>  | <b>Planned Land Use</b>             | <b>Existing Zoning</b>                                     |
|-----------------------------|---------------------------|-------------------------------------|--|
| Subject Property            | Undeveloped               | O (Office)                          | O (Office)   |
| North                       | Shopping Center           | SC (Service Commercial)             | C-1 (Limited Commercial)                                   |
| South                       | Singe-Family Residential  | ML (Medium-Low Density Residential) | R-CL (Single-Family Compact-Lot)                           |
|                             | Multi-Family Residential  | M (Medium Density Residential)      | R-3 (Medium Density Residential)                           |
| East                        | Undeveloped               | SC (Service Commercial)             | C-1 (Limited Commercial)                                   |
| West                        | Single Family Residential | ML (Medium-Low Density Residential) | R-PD8 (Residential Planned Development – 8 Units Per Acre) |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   | X                | N/A                      |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| A-O (Airport Overlay) District (175-Foot)         | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

| <b><i>Existing Zoning</i></b>  | <b><i>Permitted Density</i></b> | <b><i>Units Allowed</i></b>                |
|--------------------------------|---------------------------------|--|
| O (Office)                     | N/A                             | N/A  |
| <b><i>Proposed Zoning</i></b>  | <b><i>Permitted Density</i></b> | <b><i>Units Allowed</i></b>                |
| R-4 (High Density Residential) | 26-50 Units Per Acre            | 374 Units                                  |
| <b><i>General Plan</i></b>     | <b><i>Permitted Density</i></b> | <b><i>Units Allowed</i></b>                |
| H (High Density Residential)   | > 25.49 Units Per Acre          | 374 Units (Unlimited with an R-5 District) |

## ANALYSIS

The proposed density of development of 28.5 dwelling units per acre is not compatible with adjacent properties to the south, which are developed at a density of 7.26 dwelling units per acre. Additionally, the proposed buildings do not comply with the height requirements of the R-4 (High Density Residential) zoning district, and therefore staff finds that the development plan and associated development standards prepared by the applicant are not appropriate for this location.

The site is currently zone O (Office). This zoning district is designed to provide for the development of office uses, supporting service uses and low intensity commercial uses performing administrative, professional and personal services. These may be small office buildings developed in a cluster with an internal traffic circulation system or one larger office building. This district may be used as a buffer between residential and more intense retail/commercial uses. The O District is consistent with the Office category of the General Plan. The following development standards apply to the O zoning district:

| STANDARD                      |                                |
|-------------------------------|--------------------------------|
| Min. Lot Width (ft.)          | 100                            |
| Min. Front Yard Setback (ft.) | 25                             |
| Min. Side Yard Setback (ft.)  | 10                             |
| Min. Rear Yard Setback (ft.)  | 15                             |
| Max. Lot Coverage             | 30%                            |
| Max. Building Height          | Lesser of 2 stories or 35 feet |

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

This request does not comply with Program B1.4 of the Centennial Hills Sector Plan, which encourages the development of random vacant infill lots in substantially developed, single-family neighborhoods at densities similar to existing development.

This request also does not comply with Policy B3 of the Centennial Hills Sector Plan, which states that the appropriate location of multiple family residential uses in the Northwest area of the city should be in the Centennial Hills Town Center or Village Center areas.

The necessity of the associated height variance (VAR-18820) indicates that this rezoning is not in compliance with Program B3.1 of the Centennial Hills Sector Plan, which requires multi-family developments to be compatible with adjoining single-family uses through site planning and building design, setback and height requirements, landscape and wall buffers, and other buffers to adjoining uses.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

If approved, this rezoning would allow development within the standards of the R-4 (High Density Residential) District. The R-4 (High Density Residential) District is intended to provide for the development of a variety of multi-family units such as duplexes, townhouses and high density apartments which are not compatible with the existing R-CL (Single Family Compact-Lot) development to the south.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The project as designed is more intense than other existing or proposed developments in the area, and requires an associated height variance (VAR-18820) which would allow a 72-foot high building where 35 feet is the maximum height allowed. As such, the project is not appropriate to its context.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Adequate access to this site will be provided from Tenaya Way, a Secondary Street as designated by the Master Plan of Streets and Highways.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 7

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 4

**NOTICES MAILED** 655 by Planning Department

**APPROVALS** 1

**PROTESTS** 3